

UNITED STATES DISTRICT COURT  
District of Massachusetts

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Joseph Peter Schmitt, pro se.,  
Plaintiff,

U.S. DISTRICT COURT  
DISTRICT OF MASS.

-vs-

Jeffrey Smith, et al.,  
Defendants,

AND

USDC CASE NOS.:  
2004-10451-RWZ  
2004-10717-RWZ

Joseph Peter Schmitt, pro se.,  
Plaintiff,

-vs-

Patrick Mulvey, et al.,

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S  
CROSS-MOTION IN OPPOSITION TO DEFENDANTS' MOTION TO  
VACATE PLAINTIFF'S INDIGENCY STATUS

Now comes the pro se, indigent plaintiff in the above captioned action with his Memorandum of Law in support of his, "Plaintiff's Cross-Motion In Opposition To Defendants' Motion To Vacate Plaintiff's Indigency Status".

On March 26, 2004 this Honorable Court GRANTED plaintiff's Motion for Leave to Proceed In Forma Pauperis, (04-10451-RWZ).

On April 26, 2004 this Honorable Court GRANTED plaintiff's Motion for Leave to Proceed In Forma Pauperis, (04-10717-RWZ)

The official docket entry sheets for both above-noted cases show no opposition to Plaintiff's In Forma Pauperis Status by defendants up to and through the JURY TRIAL held on or about April 3rd to April 5th, 2006.

On various dates within or about April and May 2006 Plaintiff filed various NOTICE OF APPEALS in the above-noted cases.

On or about May 11, 2006 Appeal case 06-1778 Schmitt vs Smith (DC #04-10451-RWZ) was docketed.

On or about May 15,2006 Appeal case 06-1789 Schmitt vs Smith (DC #04-10451-RWZ) was docketed.

On or about July 12,2006 Appeal case 06-2050 Schmitt vs Mulvey (DC #04-10717-RWZ) was docketed.

On or about May 11,2006 the Appeals Court Circuit Judges, Boudin, Torruella and Howard GRANTED Plaintiff's/Appellant's Motion for Reconsideration, and thus allowed Plaintiff/Appellant to proceed in Forma Pauperis status in case 06-1778. See 1st Circuit Court of Appeals case 06-1778 ORDER OF THE COURT dated June 20,2006.

On or about October 19,2006 1st Circuit Court of Appeals Judges, Boudin, Torruella and Howard in case No. 06-2319 made an ORDER OF COURT DENYING Appelles Opposition/Motion to vacate Appellants Indigency Status,

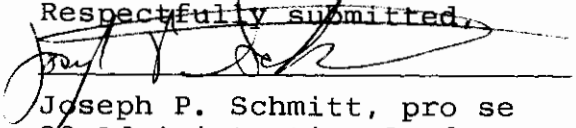
Defendants/Appellees have, with blantant contempt, disregarded the Higher Court's ORDER and is now seeking to have this Court overrule a Higher Court's ORDER.

WHEREFORE, the Plaintiff states that this Court must deny the Defendants motion to vacate the Plaintiff's In Forma Pauperis status, and further, SAMCTION the defendant's Counsel for the Blantant disregard and contempt of the Higher Court's ORDER dated October 19,2006 regarding appeal case Nos. 06-1778, 06-1789 & 06-2050 in case/docket 06-2319 Schmitt vs William Grossi.

Plaintiff further states that this Court has the authority to ORDER to cease the repetetive motion filing of the defendants on the issue of Plaintiff's In Forma Pauperis status in any and all case as Plaintiff should not be subjected to such malicious, vandictive filings that have no merit or legal basis, and clearly violate RES JUDICA.

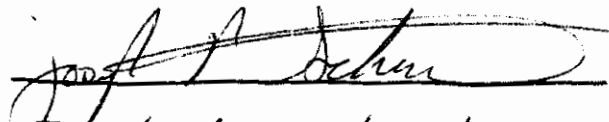
Dated: November 22,2006

~~Respectfully submitted,~~

  
Joseph P. Schmitt, pro se  
30 Administration Road  
Bridgewater, Ma. 02324-3230

Certificate Of Service

I, Joseph P. Schmitt, certify that a carbon copy of the above documents were served upon C. Raye Poole, Counsel for defendants/Appellees via Inter department mail on or about November 22, 2006



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